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10 MOLSON COORS BEVERAGE COMPANY USA LLC¹

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO**

14 JOSEPH WAGNER as an individual, on
15 behalf of himself, the general public and
those similarly situated,

16 Plaintiff,

17 v.

18 Molson Coors Beverage Company,

19 Defendant.

20 Case No. 3:21-CV-05461-WHO

21 **DECLARATION OF SOFIA COLUCCI
IN SUPPORT OF MOLSON COORS'S
MOTION TO DISMISS PLAINTIFF'S
COMPLAINT**

22 Date:
Time: 2:00 PM
Courtroom: 2
23 Action Filed: July 15, 2021
Judge: Hon. William H. Orrick

24 [Filed Concurrently with Notice of Motion and
Motion to Dismiss Plaintiff's Complaint;
[Proposed] Order re Motion to Dismiss; Request
for Judicial Notice; and [Proposed] Order re
Request for Judicial Notice]

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27 ¹ Molson Coors Beverage Company USA LLC was erroneously sued as Molson Coors
28 Beverage Company.

COLUCCI DECL. ISO MOLSON COORS'S
MOT. TO DISMISS PL.'S COMPL.; CASE
NO. 3:21-CV-05461-WHO

DECLARATION OF SOFIA COLUCCI

I, Sofia Colucci, declare as follows:

3 1. I am over 18 years of age. I am currently the Vice President – Marketing, Miller
4 Family of Brands, and was the Vice President of Innovations and subsequently the Vice President
5 of North American Innovations at Molson Coors Beverage Company USA LLC (“Molson
6 Coors”) during the times relevant to the development and initial commercialization of Vizzy Hard
7 Seltzer, and, as such, I am authorized to make this Declaration. I have personal knowledge of the
8 facts stated in this Declaration and, if called as a witness, I could and would testify competently
9 thereto. I make this Declaration in support of Molson Coors’s Motion to Dismiss Plaintiff Joseph
10 Wagner’s Complaint, filed concurrently herewith.

11 2. Molson Coors's Vizzy Hard Seltzer product is an outgrowth of a program that
12 Molson Coors started in May 2018 to focus on different types of alcoholic beverages that could
13 distinguish over what was already in the market based on their ingredients. Molson Coors
14 researched and developed a hard seltzer product with antioxidant vitamins as part of this
15 initiative.

16 3. Molson Coors started testing potential brand names for the product in July 2019
17 and committed to use the “Vizzy” name in September 2019.

18 4. Vizzy was not in production or available in retail stores in 2018 or 2019. Molson
19 Coors launched the Vizzy product nationwide in April 2020.

21 I declare, under penalty of perjury and under the laws of the United States of America that
22 the foregoing is true and correct.

Sofia Cucu

Sofia Colucci